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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,896	11/30/2005	Rainer Dirnfeldner	DIRNFELDNER-3	5688
20151 7590 12/28/2007 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			EXAMINER BARNES, CRYSTAL J	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/558,896

Applicant(s)

DIRNFELDNER, RAINER

Examiner

Crystal J. Barnes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 30 Nov. 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 7-14 are pending in this application.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 365(c).

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The examiner has considered the information disclosure statement (IDS) submitted on 30 November 2007.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 7-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No.

7,296,956 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because application claims 7-14 define an

obvious variation of the invention claimed in U.S. Patent No. 7,296,956 B2. Claim s

7-14 of the instant application are anticipated by patent claims 1-6 in that claims 1-6 of the patent contains all the limitations of claims 7-14 of the instant application. Claims 7-14 of the instant application therefore are not patentably distinct from the earlier patent claim and as such are unpatentable for obviousness-type double patenting.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the panel" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 8 recites "a flat panel" in line 2.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2001/0046034 A1 to Gold et al.

As per claim 7, the Gold et al. reference discloses a machine tool or production machine, comprising a display unit (see page 5 [0100], "LCD screen") for visually displaying an operating sequence (see page 1 [0003], "static, animated and video images") and/or parameter, said display unit ("LCD screen") being constructed as a projection display ("projection system") which includes a projection unit ("illumination source") for projecting an image ("static, animated and video images") onto an opaque surface ("surface or attached screen").

As per claim 8, the Gold et al. reference discloses the opaque surface ("surface or attached screen") is part of a flat panel (see page 5 [0084], "screen assembly 32") onto which the image ("images") is projected by the projection unit ("illumination source").

As per claim 9, the Gold et al. reference discloses further comprising a housing (see page 7 [0016], "exterior body 1") for attachment ("screen postholes 24") of the panel ("screen assembly 32").

As per claim 10, the Gold et al. reference discloses further comprising a housing (see page 7 [0016], "exterior body 1") having a working space (see page 5 [0101], "control assembly 19, external systems adaptor 18"), said panel ("screen assembly 32") being provided in the working space ("control assembly 19, external systems adaptor 18").

As per claim 11, the Gold et al. reference discloses the panel ("screen assembly 32") is an integral (see page 5 [0100], "integral") part of the housing ("exterior body 1").

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2001/0046034 A1 to Gold et al. in view of US Pub. No. 2003/0165048 A1 to Bamji et al.

As per claim 12, the Gold et al. reference discloses does not expressly the display unit has virtual optically presented input means for capturing an operating action to thereby allow control of the machine tool or production machine by an operator.

The Bamji et al. reference discloses

(see column 2 [0022], "... an electronic input device is provided having a sensor system and a projector. The sensor system is capable of providing information for approximating a position of an object contacting a surface over an active sensing area. The projector is capable of displaying an image onto a

projection area on the surface. The image provided may be of any type of input device, such as of a keyboard, keypad (or other set of keys), a pointer mechanism such as a mouse pad or joy stick, and a handwriting recognition pad. One or both of the sensor system and the projector are oriented so that the image appears within an intersection of the active sensing area and the projection area.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the external electronic data device taught by the Gold et al. reference with the input interface taught by the Bamji et al. reference.

One of ordinary skill in the art would have been motivated to modify the external electronic data device with the input interface to create a hybrid product that has new and unique capabilities of expanding the viewing area and facilitating data entry via virtual interfaces.

As per claim 13, the Bamji et al. reference discloses further comprising a camera (see page 3 [0041], "camera") for capturing the operating action ("reflection pattern") of the input means ("active sensor area 168").

As per claim 14, the Bamji et al. reference discloses the panel (see column 2 [0032], "surface 162") is touch-sensitive ("finger or stylus") and captures the

operating action ("reflection pattern") of the input means ("active sensor area 168").

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to projection of virtual input/output devices:

USPN 7,121,670 B2 to Salvatori et al.

USPN 6,977,643 B2 to Wilbrink et al.

USPN 5,515,079 to Hauck

USPN 5,511,148 to Wellner

USPN 5,400,095 to Minich et al.

USPN Re. 32,253 to Bartulis et al.

US Pub. No. 2002/0015037 A1 to Moore et al.

JPPN 11-042366 A to REKIMOTO et al.

JPPN 04-006583 A to MASUDA

JP Pub. No. 2004-233533 A to UEHARA

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Vincent can be reached on 571.272.3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CRYSTAL J. BARNES
PRIMARY PATENT EXAMINER
CJB

21 December 2007